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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

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UNITED STATES OF AMERICA,) CASE NO. 05-523M
Plaintiff,)
v.)
ANDRE DA COSTA,)
Defendant.)

Offense charged:

Conspiracy to Smuggle Illegal Aliens; Interstate Travel in Aid of Racketeering

Date of Detention Hearing: Initial Appearance January 26, 2006

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant was not interviewed by Pretrial Services. He was born in Brazil and is

01 believed to reside in Texas. There is no additional information available regarding his personal
02 history, residence, family ties, ties to this District, income, financial assets, liabilities,
03 physical/mental health or controlled substance use if any.

04 (2) An immigration detainer has been filed. Based on the detainer, defendant does not
05 contest detention.

06 (3) Defendant poses a risk of nonappearance due to lack of background information,
07 as well as lack of ties to this District, the nature of the current charges, and the immigration
08 detainer. He poses a risk of danger due to the nature of the current charges.

09 (4) There does not appear to be any condition or combination of conditions that will
10 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
11 to other persons or the community.

12 It is therefore ORDERED:

13 (1) Defendant shall be detained pending trial and committed to the custody of the
14 Attorney General for confinement in a correction facility separate, to the extent
15 practicable, from persons awaiting or serving sentences or being held in custody
16 pending appeal;

17 (2) Defendant shall be afforded reasonable opportunity for private consultation with
18 counsel;

19 (3) On order of a court of the United States or on request of an attorney for the
20 Government, the person in charge of the corrections facility in which defendant is
21 confined shall deliver the defendant to a United States Marshal for the purpose of
22 an appearance in connection with a court proceeding; and

01 (4) The clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, to the United States Marshal, and to the United States
03 Pretrial Services Officer.

04 DATED this 27th day of January, 2006.

05 
06 Mary Alice Theiler
07 United States Magistrate Judge